

HOUSE BILL NO. 676

INTRODUCED BY LINDEEN

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DEFINITION OF "PROJECT" UNDER THE NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975; AMENDING SECTION 75-7-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-7-103, MCA, is amended to read:

"75-7-103. Definitions. As used in this part, the following definitions apply:

(1) "Applicant" means any person presenting notice of a project to the supervisors.

(2) "Department" means the Montana department of fish, wildlife, and parks.

(3) "District" means:

(a) a conservation district under Title 76, chapter 15, in which the project will take place;

(b) a grass conservation district under Title 76, chapter 16, where a conservation district does not exist;

or

(c) the board of county commissioners in a county where a district does not exist.

(4) "Person" means any individual, corporation, firm, partnership, association, or other legal entity not covered under 87-5-502.

(5) (a) "Project" means a physical alteration or modification THAT RESULTS IN A CHANGE IN THE STATE of a stream in the state of Montana that results in a change in the state of the stream natural, perennial-flowing stream or river, its bed, or its immediate banks.

(b) Project does not include:

(i) an activity for which a plan of operation has been submitted to and approved by the district. Any modification to the plan must have prior approval of the district.

(ii) customary and historic maintenance and repair of existing irrigation facilities that do not significantly alter or modify the stream in contravention of 75-7-102; OR

(III) LIVESTOCK GRAZING ACTIVITIES.

(6) "Stream" means any natural, perennial-flowing stream or river, its bed, and its immediate banks

1 except a stream or river that has been designated by district rule as not having significant aquatic and riparian
2 attributes in need of protection or preservation under 75-7-102.

3 (7) "Supervisors" means the board of supervisors of a conservation district, the directors of a grass
4 conservation district, or the board of county commissioners where a proposed project is not within a district.

5 (8) "Team" means one representative of the supervisors, one representative of the department, and
6 the applicant or the applicant's representative.

7 (9) "Written consent of the supervisors" means a written decision of the supervisors approving a project
8 and specifying activities authorized to be performed in completing the project."

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10 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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12 **NEW SECTION. Section 3. Retroactive applicability.** [This act] applies retroactively, within the
13 meaning of 1-2-109, to all notices of projects pending before a conservation district on [the effective date of this
14 act].

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